

### REMARKS

Claims 1, 4-6, 9-11, 13-23, and 26-34 are pending. Claims 1, 6, 11, 23, and 32-34 have been amended and claims 2, 3, 7, 8, 12, 24, and 25 have been canceled. Applicants submit that no new issues have been raised by the amendments presented in this paper, because all of these amendments either incorporate subject matter from one or more allowable dependent claims into independent claims, or involve rewriting dependent claims into independent form based on allowable subject matter. Entry of this paper is therefore respectfully requested.

In the Final Office Action, claims 17-22 and 28-31 were rejected under 35 USC § 112, first paragraph, on grounds that the specification does not provide a written description of the following feature: “without inserting a substitute data block.” This rejection is traversed for the following reasons.

Claim 17 recites blocking transmission of the data block “without inserting a substitute data block.” Support for these features may be found, for example, in the words ‘only’ and ‘subsequent’ in Paragraphs [39] and [41] of the specification. Here, the specification discloses that when an uplink error occurs, the base station system does not transmit the uplink error-generated data block, but rather transmits only the data (e.g., the series of blocks not including the error block (UE) as shown, for example, in Figure 2) that does not have a detected error. The invention may then continue to transmit subsequent data blocks to be transmitted.

By disclosing the transmission of ‘only’ data blocks without an error and then ‘subsequent’ data blocks, the specification supports not replacing the error data block with a substitute data block. This support is further clear from step (c) of claim 17, which recites determining that the data block containing the error was not received “based on an undetected transmission sequence number” corresponding to the error data block, i.e., if the invention replaced the error data block with a substitute data block, the substitute data block would have been given the sequence number of the error data block. Since no substitute data block was transmitted, step (c) is able to detect the missing transmission sequence number corresponding to the error data block that was not transmitted. (See Paragraph [42] of the specification).

Accordingly, Applicants submit that the specification provides a written description sufficient to support the subject matter of claim 17 and its dependent claims. Claim 28 is supported in a similar manner. Withdrawal of the § 112, first paragraph, rejection is respectfully requested for these reasons.

Claims 1, 3-6, 8-10, 23, 25-27, 32, and 33 were rejected under 35 USC § 112, second paragraph, on grounds that the phrase “CRC fail” is unclear. Applicants submit that this phrase has clear and definite meaning to one skilled in the art when reading view of the specification. For example, at Paragraph [17], the specification discloses that a “CRC fail” is a condition which, when detected at the receiving side, indicates that an error has occurred, e.g., it is as if an error

generated in the radio section of the originating side occurred in a radio section of the destination side.

In view of this disclosure, which is well understood by those skilled in the art, Applicants submit that use of the term “CRC fail” satisfies the definite requirements of § 112, second paragraph, when used in the claims. Withdrawal of the § 112, second paragraph, rejection is therefore respectfully requested.

Claims 3, 8, 12, 25, and 32-34 were indicated to be allowable if rewritten into independent form to recite the features of their base and intervening claims. Claims 32-34 have been rewritten in this manner. In addition, claim 1 has been amended to recite the features of allowable claim 3, claim 6 has been amended to recite the features of allowable claim 8, claim 11 has been amended to recite the features of allowable claim 12, and claim 23 has been amended to recite the features of allowable claim 25. Applicants submit that these amendments are sufficient to overcome all of the art-based rejections.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and timely allowance of the application are respectfully requested.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and  
please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



Daniel Y.J. Kim  
Registration No. 36,186

Samuel W. Ntiros  
Registration No. 39,318

P.O. Box 221200  
Chantilly, Virginia 20153-1200  
703 766-3777 DYK/SWN/kzw  
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**Please direct all correspondence to Customer Number 34610**